Increased pay for additional responsibilities

4B. The rate of pay of a member of a brigade whose ordinary duties involve responsibilities additional to those normally attaching to his rank may be increased to such extent as the fire authority with the approval of the Secretary of State determine:

Provided that his rate of pay shall not be increased under this paragraph in respect of any period during which his rate of pay is increased under paragraph 4A of this Schedule or he is in receipt of an allowance under paragraph 26 of this Schedule."

3. Paragraphs 25 and 27 of the Fourth Schedule as set out as aforesaid (which relate respectively to the allowance for acting as an assistant and to the allowance for additional responsibilities) shall be omitted.

4. These Regulations may be cited as the Fire Services (Conditions of Service) (Scotland) Regulations, 1959, and shall come into operation on the 1st day of June, 1959.

Dated this 22nd day of May, 1959.

John S. Maclay,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations amend the Fire Services (Conditions of Service) (Scotland) No. 2 Regulations, 1954. Regulation 1 provides that any sickness benefit to which a member of a fire brigade is entitled, but which he does not receive, shall not, if the fire authority so decide, be deducted from his pay while on sick leave. Regulation 2 makes provision for the payment to members of fire brigades who act as an assistant or whose ordinary duties involve additional responsibilities, of increased rates of pay instead of allowances. Regulation 3 cancels consequentially the provision for the payment of such allowances.

PENSIONS

1959 No. 802

The Firemen's Pension Scheme Order, 1959

Made - - - -	30*th April*, 1959
Laid before Parliament	5*th May*, 1959
Coming into Operation	7*th May*, 1959

In exercise of the powers conferred on me by section twenty-six of the Fire Services Act, 1947(a), I hereby, with the approval of the Treasury and after consultation with the Central Fire Brigades Advisory Council and the Scottish Central Fire Brigades Advisory Council, make the following Order:—

1.—(1) In paragraph (1) of Article 5 of the Firemen's Pension Scheme, 1956, set out in the Appendix to the Firemen's Pension Scheme Order, 1956(b), (which relates to the minimum aggregate amount of payments in respect of a fireman's pension) after the words "where he dies" there shall be inserted the words "the amount of any gratuity and".

(a) 10 & 11 Geo. 6. c. 41. (b) S.I. 1956/1022 (1956 I, p. 953).

(2) At the end of paragraph (2) of the said Article 5 there shall be added the following sub-paragraphs :—

" (*c*) where a fireman's pension is reduced under Article 9A of this Scheme, the lump sum paid to him under that Article shall be deemed to have been paid in respect of the pension ; and

(*d*) where a fireman's pension is reduced under Article 23 of this Scheme the reference in paragraph (1) of this Article to the aggregate amount paid to him in respect of the pension shall be construed as a reference to the aggregate amount which would have been so paid had the pension not been so reduced.".

2. After Article 9 of the said Scheme of 1956 there shall be inserted the following Article :—

" *Commutation of pension*

9A.—(1) A regular fireman who has served as such on or after the seventh day of May, 1959, may in accordance with the provisions of this Article commute for a lump sum a portion of any ordinary, ill-health or short service pension to which he is or may become entitled, provided, in the case of an ordinary pension, that he retires when entitled to reckon at least thirty years' pensionable service or is required to retire on account of age.

(2) For the purpose of commuting a portion of his pension a person shall—

(*a*) give notice in writing (in this Article called " notice of commutation ") to the fire authority of his wish to commute for a lump sum such portion of his pension not exceeding one-sixth thereof as (subject to the limitation contained in Article 23A of this Scheme) he may specify ; and

(*b*) satisfy the fire authority of his good health and for that purpose submit himself to such medical examination as they may require.

(3) The notice of commutation shall be given by a person—

(*a*) not earlier than two months before his intended retirement nor later than six months after his retirement, or

(*b*) in the case of a person who retires with an ill-health pension at a time when he is not entitled to retire with an ordinary pension, not earlier than two months before his intended retirement nor later than six months after he would, if he had continued to serve as a regular fireman instead of retiring with an ill-health pension, either have become entitled to retire with an ordinary pension or have reached the age prescribed for retirement by his conditions of service ;

and, in the case of such a person as is mentioned in sub-paragraph (*b*) of this paragraph, the notice of commutation shall be given only with the written consent of the fire authority unless, at the time when the notice is given, he would, if he had continued to serve as aforesaid, have become entitled to retire with an ordinary pension or have reached the age prescribed as aforesaid.

(4) Where a person has complied with the provisions of sub-paragraphs (*a*) and (*b*) of paragraph (2) of this Article, the fire authority shall forthwith send to him a written notification that they have accepted the notice of commutation, which shall become effective—

(*a*) as from the time when the notification is received by him or, if sent by post, as from the time when it would be delivered to him in the ordinary course of post, or

(*b*) as from the date of his retirement,

whichever is the later:

Provided that the said notice shall not become effective if it was given more than two months before his retirement.

(5) Where a person retires or has retired and a notice of commutation given by him has become or becomes effective, the fire authority shall reduce the pension to which the notice relates in accordance with the notice as from the time from which the notice is effective and shall pay to him a lump sum of such amount as is the actuarial equivalent of the surrendered portion of the pension at the date of his retirement, calculated from tables prepared by the Government Actuary:

Provided that—

(*a*) where the notice is effective as from the time mentioned in sub-paragraph (*a*) of paragraph (4) of this Article, the lump sum shall be reduced by an amount equal to the difference between the aggregate payments made in respect of the pension and the aggregate payments which would have been so made had it been reduced from the date of the retirement;

(*b*) in relation to such a person as is mentioned in sub-paragraph (*b*) of paragraph (3) of this Article the preceding provisions of this paragraph shall have effect as if any reference therein to the date of retirement were a reference to the time as from which the notice is effective.

(6) Where the ill-health pension of a fireman is reduced under this Article, a special pension payable to him under Article 4 of this Scheme shall be calculated as if no such reduction had been made.".

3.—(1) In Article 12 of the said Scheme of 1956 (which relates to the grant of a gratuity in lieu of a widow's pension) after the words "they may" there shall be inserted the words "subject to the provisions of Article 22A of this Scheme".

(2) At the end of the said Article 12 there shall be added the following paragraph:—

"(2) Where the fire authority are precluded by reason of the provisions of Article 22A of this Scheme from exercising their discretion under the preceding paragraph in the manner in which they would but for those provisions exercise it, they may, subject to those provisions, exercise that discretion in relation to part only of the pension.".

4.—(1) In Article 18 of the said Scheme of 1956 (which relates to the grant of a gratuity in lieu of a child's allowance) after the words "they may" there shall be inserted the words "subject to the provisions of Article 22A of this Scheme".

(2) At the end of the said Article 18 there shall be added the following paragraph:—

"(2) Where the fire authority are precluded by reason of the provisions of Article 22A of this Scheme from exercising their discretion under the preceding paragraph in the manner in which they would but for those provisions exercise it, they may, subject to those provisions, exercise that discretion in relation to part only of the allowance.".

5. After Article 22 of the said Scheme of 1956 there shall be inserted the following Article:—

"*Limitation on discretion to grant a gratuity in lieu of a pension or allowance*

22A.—(1) Where a person has died while in receipt of an ordinary, ill-health or short service pension (in this Article referred to as "the principal pension"), the fire authority shall not under Article 12 or 18 of this Scheme substitute for the whole or any part of a widow's pension or child's allowance payable in respect of him a gratuity the actuarial value of which, when added to that of—

(*a*) any other gratuity so substituted under Article 12 or 18 of this Scheme, and

(*b*) any lump sum paid under Article 9A of this Scheme by reason that a portion of the principal pension was commuted,

exceeds one-quarter of the actuarial value of the principal pension, any reduction therein under the said Article 9A being ignored.

(2) For the purposes of this Article the actuarial value of a gratuity, lump sum or pension shall be the actuarial value at the time of the husband's or father's retirement as calculated by the Government Actuary.".

6. In sub-paragraph (*a*) of paragraph (1) of Article 23 of the said Scheme of 1956 (which relates to the allocation of part of a pension in favour of a dependant) after the words "such portion of his pension as" there shall be inserted the words "subject to the provisions of Article 23A of this Scheme".

7. After Article 23 of the said Scheme of 1956 there shall be inserted the following Article:—

"*Limitation on right to commute or allocate part of a pension*

23A. A regular fireman shall not under Article 9A of this Scheme commute for a lump sum nor under Article 23 of this Scheme allocate in favour of his wife or other dependant such a portion of his pension that that pension becomes payable at a rate less than two-thirds of the rate at which it would have been payable but for the provisions of the said Articles.".

8. At the end of Article 45 of the said Scheme of 1956 (which relates to awards to servicemen) there shall be added the following paragraph:—

"(4) Where a pension is increased under paragraph (3) of this Article, no account shall be taken of the increase for the purposes of Articles 9A, 22A, 23 and 23A of this Scheme.".

9. At the end of Article 48 of the said Scheme of 1956 (which relates to servicemen who resume service as regular firemen) there shall be added the following words:—

"and paragraph (4) of the said Article 45 shall apply in relation to a pension increased under that Article as applied by this Article.".

10. At the end of Article 53 of the said Scheme of 1956 (which relates to awards to and in respect of whole-time firemen who are not regular firemen) there shall be added the following paragraph:—

"(7) This Article shall have effect in the case of a woman member of a brigade—

(*a*) as if for any reference in paragraphs (2) and (3) to the rank of fireman there were substituted a reference to the rank of firewoman;

(*b*) as if for the reference in paragraph (3) to a child there were substituted a reference to a child of the member substantially dependent upon her at the time of her death ;

(*c*) as if in Article 20 of this Scheme—

(i) for any reference to the father or step-father there were substituted a reference to the mother or step-mother as the case may be ;

(ii) for the reference to the mother there were substituted a reference to the father.".

11. In Article 54 of the said Scheme of 1956 (which relates to the payment of contributions by retained firemen)—

(*a*) the word " male " shall be omitted ;

(*b*) after the words " contribution of 8s." there shall be inserted the words " in the case of a man or of 1s. in the case of a woman ".

12.—(1) In paragraph (1) of Article 55 of the said Scheme of 1956 (which relates to injury awards to part-time firemen) the word " male " shall be omitted.

(2) At the end of paragraph (3) of the said Article 55 there shall be added the following sub-paragraph:—

" (*c*) in the case of a woman, the rate of 26s. a week and the amount of £34 respectively.".

13. For Article 57 of the said Scheme of 1956 (which relates to injury allowances to children of part-time firemen) there shall be substituted the following Article:—

" 57.—(1) Where a part-time member of a brigade or person who has been such a member dies from the effects of an injury received without his own default in the execution of his duties as such a member or from the effects of infirmity of mind or body occasioned by such an injury—

(*a*) in the case of a man, any child of his shall be entitled to a child's injury allowance at the rate of 12s. a week ;

(*b*) in the case of a woman, any child of hers substantially dependent upon her at the time of her death may be granted a child's injury allowance at such rate as the fire authority from time to time think fit not exceeding 9s. a week if and so long as the child's father is living and not exceeding 12s. a week if the child has no parent living:

Provided that a child's injury allowance shall not exceed the allowance which would have been payable if the parent in respect of whose death it is payable had been a regular fireman holding the same rank as he in fact held and having the same service in that rank and had died from the effects of a qualifying injury.

(2) The provisions of Articles 18, 19 and 20 of this Scheme shall apply in relation to a child's injury allowance as if the parent in respect of whose death it is payable had been a regular fireman and, where that parent was the mother, as if in the said Article 20—

(*a*) for any reference to the father or step-father there were substituted a reference to the mother or step-mother as the case may be ;

(*b*) for the reference to the mother there were substituted a reference to the father.".

14. After Article 62 of the said Scheme of 1956 there shall be inserted the following Article:—

"*Special provisions where Scheme is modified by principal Act*

62A.—(1) This Article shall apply in the case of a person in relation to whom this Scheme is modified as mentioned in subsection (3) of section twenty-seven of the principal Act.

(2) Where such a person as aforesaid is entitled to both an ill-health and a special pension, then, for the purposes of Articles 9A, 22A, 23 and 23A of this Scheme, his entitlement to, and the amount of, the ill-health pension shall be deemed to be the same as they would have been had he not been entitled to a special pension.

(3) Where in relation to such a person as aforesaid this Scheme is modified by reference to regulations made under either the Metropolitan Fire Brigade Act, 1865(a), or the West Ham Corporation Act, 1925(b), paragraph (1) of Article 9A of this Scheme shall apply in relation to him as if for the reference to thirty years' pensionable service there were substituted a reference to twenty-eight years' pensionable service.".

15. In paragraph 1 of Part III of the Second Schedule to the said Scheme of 1956 (which relates to a widow's special pension) after the words "one-quarter" there shall be inserted the words "or, where the pension is granted on or after the seventh day of May, 1959, one-third".

16. In Part IV of the Second Schedule to the said Scheme of 1956 (which relates to a gratuity granted in lieu of a widow's pension) after the words "capitalised value of the pension" there shall be inserted the words "or, as the case may be, of that part of the pension which is commuted".

17. For Part II of the Third Schedule to the said Scheme of 1956 (which relates to a child's special allowance) there shall be substituted the following Part:—

"PART II

Child's Special Allowance

1. Subject to the provisions of Part III of this Schedule, a child's special allowance shall be payable, if and so long as the child has a parent living—

(*a*) where the allowance is granted on or after the seventh day of May, 1959, at the rate of one-fifteenth of the average pensionable pay of the parent in respect of whose death it is payable;

(*b*) where the allowance was granted before the said date, at the rate of six per cent. of the said parent's average pensionable pay.

2. Subject to the provisions of Part III of this Schedule, a child's special allowance shall be payable, if the child has no parent living—

(*a*) where the allowance is granted on or after the seventh day of May, 1959, at the rate of one-tenth of the average pensionable pay of the parent in respect of whose death it is payable or at such greater rate, not exceeding two-fifteenths thereof, as the fire authority may from time to time determine;

(*b*) where the allowance was granted before the said date, at the rate of nine per cent. of the said parent's average pensionable pay or at such greater rate, not exceeding twelve per cent. thereof, as the fire authority may from time to time determine.".

(a) 28 & 29 Vict. c. 90. (b) 15 & 16 Geo. 5. c. cxii.

18. In Part IV of the Third Schedule to the said Scheme of 1956 (which relates to a gratuity granted in lieu of a child's allowance) after the words "capitalised value of the allowance" there shall be inserted the words "or, as the case may be, of that part of the allowance which is commuted".

19. This Order may be cited as the Firemen's Pension Scheme Order, 1959, and shall come into operation on the seventh day of May, 1959.

R. A. Butler,
One of Her Majesty's Principal Secretaries of State.

27th April, 1959.

We approve,

Martin Redmayne,
Michael Hughes-Young,
Two of the Lords Commissioners of Her Majesty's Treasury.

30th April, 1959.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order amends the Firemen's Pension Scheme, 1956, set out in the Appendix to the Firemen's Pension Scheme Order, 1956.

The principal amendments are described below.

Article 2 enables a regular fireman to commute for a lump sum a portion of an ordinary, ill-health or short service pension. An ordinary pension may normally be commuted only if the fireman is entitled to reckon thirty years' pensionable service or is required to retire on ground of age.

Articles 3, 4 and 5 limit the amount of the gratuity which may be substituted for a widow's pension or child's allowance and enable, in an appropriate case, a gratuity to be substituted for part only of such a pension or allowance.

Article 10 relates to whole-time firewomen. Article 53 of the Scheme of 1956 provides for awards to and in respect of whole-time firemen who are not regular firemen as defined in Article 64 but are injured at a fire. Article 10 of the present Order extends those provisions, with modifications, to whole-time firewomen.

Articles 11, 12 and 13 relate to part-time firewomen. Articles 54, 55 and 57 of the Scheme of 1956 provide for the payment of pension contributions by part-time firemen who are retained firemen and for injury awards to, and child's injury allowances in respect of, part-time firemen. Articles 11, 12 and 13 of the present Order extend those provisions, with modifications, to the corresponding classes of firewomen. (The new Article 57 of the Scheme of 1956 as substituted by Article 13 of the present Order also incorporates the provisions of the previous Article 57 as regards firemen.)

Article 15 increases the rate of a future widow's special pension from one-quarter to one-third of the husband's average pensionable pay (certain national insurance benefits being taken into account).

Article 17 increases the rate of a future child's special allowance from six per cent. to one-fifteenth of the parent's average pensionable pay or, where both parents are dead, from a rate between nine and twelve per cent. to a rate between one-tenth and two-fifteenths of that pay.